

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>RUTH ESPERANCE,</p> <p>Plaintiff,</p> <p>v.</p> <p>THOMAS J. VILSACK, Secretary of Agriculture, U.S. Department of Agriculture,</p> <p>Defendant.</p>	<p>5:20-cv-5055-LLP</p> <p>DECLARATION OF SARA FRANKENSTEIN</p>
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Pursuant to 28 U.S.C. § 1746, I, Sara Frankenstein, hereby declare as follows:

1. I am an attorney and partner in the law firm of Gunderson, Palmer, Nelson & Ashmore, LLP in Rapid City, South Dakota.
2. I have been a licensed attorney in the State of South Dakota since 2002.
3. I am admitted to practice before the U.S. District Court for the District of South Dakota. My legal career includes work related to employment discrimination litigation.
4. I clerked for the Honorable Richard H. Battey, and have been in private practice with Gunderson, Palmer, Nelson & Ashmore Law Firm for 21 years. I have handled numerous employment discrimination cases, constitutional law, including First Amendment cases, as well as many federal Voting Rights Act cases. I have also handled many high-profile political or election law cases, as well as complex construction litigation, employment litigation, insurance and bad faith litigation, personal injury litigation, and other areas of federal and state court litigation.
5. I have performed a conflicts check and I would have been willing to represent


Ruth Esperance in her discrimination and hostile work environment claims against the United States Department of Agriculture at an hourly rate. My current hourly rate for work related to employment discrimination matters is \$315.00.

6. In 2019, United States District Judge Charles Kornmann found my hourly rate of \$275.00, my partner Marty Jackley's hourly rate of \$300.00, and out-of-state counsel Ryan Morrison's hourly rate of \$275.00 to be reasonable. *See South Dakota Newspaper Association et al v. Steve Barnett et al*, 3:19-CV-03010-CBK, doc. 39, p.10. Since then, my general hourly rate has risen due to increased experience, demand, and inflation.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 7th day of November, 2023.

GUNDERSON, PALMER, NELSON
& ASHMORE, L.L.P.

By 
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